

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRANDIE JORDAN,
Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. [24-cv-03776-DMR](#)

**REQUEST FOR REASSIGNMENT TO
DISTRICT JUDGE AND REPORT AND
RECOMMENDATION TO DISMISS
COMPLAINT WITHOUT PREJUDICE
FOR FAILURE TO PROSECUTE**

Plaintiff Brandie Jordan filed the complaint on June 25, 2024. Since all parties have not consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c), the court issues this Report and Recommendation and reassigns this case to a district judge for final disposition, with the recommendation that this action be dismissed without prejudice for failure to prosecute.

On October 1, 2024, the court ordered Plaintiff Brandie Jordan to show cause in writing by October 4, 2024 why this action should not be dismissed for failure to timely serve the summons and complaint pursuant to Federal Rule of Civil Procedure 4(m). [Docket No. 13 (OSC).] Plaintiff did not respond to the OSC. Instead, she filed an administrative motion to relate the case to Case No. 4:22-cv-05137 YGR, *M.R. v. Federal Correctional Institution "FCI" Dublin, et al.* (N.D. Cal., filed Sept. 9, 2022). The Clerk issued an electronic filing error notifying Plaintiff that the motion was improperly filed and should be filed in the lower-numbered case, and the motion was terminated. *See* Civ. L.R. 3-12(b). Plaintiff did not re-file the administrative motion to relate the case in *M.R.*, the lower-numbered case.

On October 8, 2024, the court ordered Plaintiff to show cause in writing by October 10, 2024 why she should not be sanctioned for failure to respond to the first OSC, and to simultaneously file a response to the first OSC. [Docket No. 15 (Second OSC).] Plaintiff again

1 failed to respond. Finally, on October 17, 2024, the court ordered Plaintiff to respond to the first
2 two OSCs by no later than October 22, 2024, and warned that failure to respond could result in
3 dismissal of the action for failure to prosecute. [Docket No. 17 (Third OSC).] Plaintiff did not
4 respond to the third OSC.

5 Accordingly, the court recommends that Plaintiff's action be dismissed without prejudice
6 for failure to prosecute. The Clerk is directed to reassign this case to a district judge. Any party
7 may file objections to this report and recommendation with the district judge within 14 days after
8 being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a); N.D. Cal. Civ. L.R.
9 72-2.

10
11 **IT IS SO ORDERED.**

12 Dated: October 23, 2024



United States District Court
Northern District of California